

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

-against-

08 Cr. 482 (PKC)

ORDER

SEFERINO MENDOZA,

Defendant.

-----X
SEFERINO MENDOZA,

Petitioner,

13 Civ. 1160 (PKC)

UNITED STATES OF AMERICA,

Respondent.


-----X
CASTEL, District Judge:

The procedural history of Mr. Mendoza's prior proceedings, from guilty plea through denial of his section 2255 motion, are set forth in this Court's Memorandum and Order of February 11, 2014. (Doc. 50.) History subsequent to that is set forth principally in the Court's Orders of August 25, 2016, November 16, 2016 and July 23, 2020 (Docs. 68, 69 & 78) and the Order of the United States Court of Appeals for the Second Circuit dated July 7, 2020 (Mendoza v. United States, No. 16-517 (2d Cir. 2020), Doc. 61) and the Mandates of the United States Court of Appeals for the Second Circuit of February 17, 2015 and October 16, 2020. (Docs. 57 & 80.)

Mendoza's motion to amend or supplement his section 2255 motion (Doc. 79) is denied because there is no section 2255 motion pending, and leave to file a second or successive section 2255 motion has been denied by the Court of Appeals.

Mendoza has not made a substantial showing of the denial of a constitutional right and, accordingly, a certificate of appealability will not issue. 28 U.S.C. § 2253; see Lozada v. United States, 107 F.3d 1011, 1016-17 (2d Cir. 1997). This Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and in forma pauperis status is denied. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
October 30, 2020